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Kinlein Contempt Charges To Stand

ELLICOTT CITY, Md. (AP)—Two Anne Arundel Circuit Court judges rejected Monday a motion to dismiss contempt of court charges against Richard J. Kinlein, Howard County state's attorney.

A motion for a jury trial was also rejected by the judges, who held that Kinlein, as an officer of the court, "has a duty to keep himself informed" about cases in which he is involved.

Kinlein has been cited for contempt for his public remarks that arson charges against H. Rap Brown were "fabricated."

Kinlein's attorney argued that his client was not served with the Circuit Court order prohibiting those involved with the Brown case from discussing it with the press.

The attorney also argued that Kinlein's statements about the arson charge against Brown can not be proven prejudicial until Brown's case is concluded.

The hearing on the contempt charges began Monday in Howard County Circuit Court before Matthew S. Evans and Ridgely P. Melvin Jr., Anne Arundel Circuit Court judges.

Judge James Macgill, of Howard County Circuit Court, filed the charges against Kinlein July 3.

In arguing for dismissal of the charges, William L. Greenhalgh, Kinlein's attorney, said his client's statements can be properly judged only when "the FBI returns Mr. Brown.

"There is nothing to indicate that will occur. As a result, for us to proceed with the citation . . . (deals with) an unascertainable standard of conduct."

Brown was scheduled to stand trial in Ellicott City May 4, 1970 but he never appeared and has not been seen since March, 1970.

In seeking a jury trial, Kinlein had based his request, filed Aug. 20, on the contention that "when the mantle of one's elected office is at stake, a jury should make the judgment."

Kinlein believes that if the judges find him guilty of contempt, it could be grounds for impeachment.